

No. 9/3/87-6 Lab./3966.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Perfect Fastners, Pvt. Ltd., 1/43, D. L. F., Industrial Estate, Faridabad.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 104 of 1987

between

SHRI PREM SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S PERFECT FASTNERS PVT. LTD., 1/43, D. L. F. INDUSTRIAL ESTATE, FARIDABAD

Present:—

Shri Narain Parshad for the workman.

Shri B. P. Gupta, Personnel Officer of the respondent.

AWARD

This reference under section 10 (1)(c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947), as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. ID/PD/29-87/6724-29, dated 17th February, 1987, to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Prem Singh, workman and the respondent-management of M/s Perfect Fastners Pvt. Ltd., 1/43, D. L. F. Industrial Estate, Faridabad. Accordingly, it has been registered as reference No. 104 of 1987.

2. Shri B. P. Gupta, Personnel Officer of the respondent has appeared. He has produced photostat copies of receipt as well as settlement dated 13th March, 1987 to the effect that the amount of Rs. 8,000 has been paid to the workman towards full and final settlement of the matter in dispute. Workman has not turned up. On the file on his behalf there is no letter of authority in favour of anybody. There is no reason to disbelieve the version of the respondent, and as such reference is answered to the effect that parties have settled the same amicably and no further action is needed.

Dated the 26th May, 1987.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 1070, dated the 3rd June, 1987.

Forwarded (two copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of I.D. Act.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.

The 8th July, 1987

No. 9/1/87-6Lab./4840.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the Management of M/s. (i) H. S. M., I. T. C. Through its Chairman/Secretary, Haryana, Chandigarh, (ii) Executive Engineer, Field Division H.S.M., I.T.C. P.T.P.P., Assan, Panipat.

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 40 of 1987

SHRI JAI PAL S/O SHRI JAGE RAM, V. & P. O. GUDHA, TEHSIL AND DISTRICT KARNAL AND THE MANAGEMENT OF MESSRS H.S.M., I.T.C., THROUGH ITS CHAIRMAN/SECRETARY, HARYANA, CHANDIGARH, (II) EXECUTIVE ENGINEER, FIELD DIVISION H.S.M.I.T.C., P.T.P.P., ASSAN, PANIPAT.

Present:—

None for workman.

Shri H. R. Viz for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Jai Pal workman and Messrs H.S.M.I.T.C., etc. to this court. The terms of the reference are as under :—

"Whether termination of services of Shri Jai Pal, workman is just and correct; if not, to what relief is he entitled ?"

Workman alleged that he was appointed as workcharge T. Mate by respondent No. 2 on 4th January, 1983. On 2nd February, 1984 he was served with termination, one month notice whereby his service were terminated with effect from 28th February, 1984 without any reason, no show-cause notice was issued, no explanation was called for. He alleged that his termination is wrong because juniors were retained and the management violated the provisions of section 25 (F) of Industrial Disputes Act, 1947.

Notice was served upon respondent management, Shri H. R. Viz appeared for the respondent management, while workman absented, so the reference is dismissed in default.

Dated the 8th May, 1987.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endorsement. No. 1034, dated the 12th May, 1987.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab./4842.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Panchranga International, Panchranga Bazar, Panipat.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 69 of 1987.

SHRI HARI RAM, S/O SHRI KESHO RAM C/O ENGINEERING AND TEXTILE WORKERS UNION, BHAGAT SINGH SHAMAK, PANIPAT AND THE MANAGEMENT OF THE MESSRS PANCHRANGA INTERNATIONAL PANCHRANGA BAZAR, PANIPAT

Present.—

Shri Jai Pal Singh for workman.

Shri S. Kaushal for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of his powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Hari Ram and Messrs Panchranga International, Panchranga Bazar, Panipat to this court. The terms of the reference are as under :—

"Whether termination of services of Shri Hari Ram, is just and correct; if not, to what relief is he entitled ?"

Workman through his demand notice alleged that he had been working in the respondent management since 1984. His services were terminated on 28th October, 1986 in violation of provisions of section 25 (F) of Industrial Disputes Act. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent management was served. Shri S. Kaushal appeared for management. Parties reached at an amicable settlement. Shri Jai Pal Singh, Authorised Representative of workman made statement that workman has compromised and settled his dispute with the management, so workman is not interested in pursuing this dispute, so it may be filed as compromised.

In view of the statement of Authorised Representative of workman the reference is filed as compromised I pass award accordingly.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Dated the 8th May, 1987.

Endst. No. 1030, dated the 12th May, 1987.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab./4844.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s. The Timber Co-operative Sugar Mill Ltd., Panipat.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 33 of 1985

SHRI SARVEJIT SINGH C/O BHARATYA MAZDOOR SANGH, G. T. ROAD, PANIPAT
AND THE MANAGEMENT OF THE MESSRS THE PANIPAT CO-OPERATIVE SUGAR
MILL LTD., PANIPAT

Present.—

None for workman.

Shri N. C. Goyal, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Sarvejit Singh and Messrs The Panipat Co-operative Sugar Mill Ltd., Panipat to this Court. The terms of the reference are as under :—

“Whether termination of services of Shri Sarvejit Singh is justified and correct; if not, to what to relief is he entitled ?”

Workman alleged that he joined service of respondent management in October, 1979 as Instrument Mechanic and remained on this job upto 23rd March, 1983. On 21st March, 1983 management posted him as a skilled B-Grade Mechanic, an agreement on stamp paper was also executed between the parties. He was sent for 15 days' training to Calcutta. Thereafter on 16th April, 1984 his services were terminated and one Shri Darshan Singh was appointed in his place in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent management contested the dispute and contended that in fact Shri Sarvejit Singh had worked in the respondent concern as an apprentice on a monthly stipend of Rs. 300 in the trade of Boiler Attendant. He was never appointed as a Instrument Mechanic nor he worked in that post ever. He was sent for training with M/s Mohindra and Mohindra Ltd. as an apprentice for 15 days and after that he was to be appointed as Instrument Mechanic but on interview he was found unsuitable. So he was not appointed on that job and was allowed to continue as apprentice, only for the crushing season i.e. 1983-84 which was closed on 16th April, 1984. It was further urged that Shri Sarvejit Singh was never in the service of the mills as a workman but he was only an apprentice as an apprenticeship of the petitioner ended with efflux of time. So there is no necessity of complying with provisions of section 25 (F) of Industrial Disputes Act, 1947 nor any inquiry was required, so it was prayed that the reference be answered against the workman.

On the pleadings of the parties issues were framed. Evidence of management was recorded. The reference was fixed for workman evidence on 8th May, 1987. But neither workman nor his A. R. appeared, so reference is dismissed in default.

Dated the 8th May, 1987.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endst. No. 1035, dated the 12th May, 1987.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab./4847.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the Management of M/s (i) Executive Engineer, P.W.D. Public Health, Haryana, Chandigarh (ii) Xen, P.W.D. Public Health Division, Panchkulla.

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR
COURT, AMBALA

Ref. No. 22 of 1985.

SHRI SAWARN SINGH S/O SHRI PREM SINGH AND THE MANAGEMENT OF THE
MESSRS EXECUTIVE ENGINEER, P.W.D. PUBLIC HEALTH, HARYANA, CHANDIGARH.
(II) XBN. P.W.D. PUBLIC HEALTH DIVISION, PANCHKULLA.

Present :

Shri Rajeshwar Nath for workman.

Shri Mahanand, Assistant for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—vide clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Sawarn Singh and Messrs Xen, P.W.D. Public Health, Panchkulla to this Court. The terms of the reference are as under:—

“Whether termination of services of Shri Sawarn Singh is just and correct, if not to what relief is he entitled?”

Workman alleged that he was in the service of respondent as a work Charge used to get Rs. 482 P.M. and had rendered service more than 240 days. His services were terminated without any cause and in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent management contested the dispute and contended that in fact workman started absenting himself. Many letters were written to him to report on duty. But he continuously remained absent and being absentee his services were terminated, so he is not at all entitled to reinstatement as prayed for.

On the pleadings of the parties issues were framed. Evidence of the parties were recorded. Thereafter, parties reached at an amicable settlement. According to that the workman waived his right of relief of continuity in service and full back wages. However he accepted an offer of fresh appointment. Statements of the parties to this effect recorded.

In view of statement made by the parties in court, I order fresh appointment of the workman as agreed by the parties and the workman shall not claim any benefit of continuity in service and with full back wages. I pass award regarding the dispute in hand between the parties accordingly.

V. P. CHAUDHARY,

Dated 5th May, 1987.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 993, dated 6th May, 1987

Forwarded (Four Copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments., Chandigarh as required under section 15 of Industrial Disputes Act, 1947.

V.P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

The 1st July, 1987

No. 9/3/87-6Lab/3660.—In pursuance of the provision of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer Labour Court, Faridabad in respect of the dispute between the Workman and the management of M/s. S. J. Knitting and Finishing Mills Pvt. Ltd., 13/7, Mathura Road, Faridabad.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER,
LABOUR COURT, FARIDABAD

Reference No. 433 of 1985

between

SHRI DHARAMBIR SINGH, WORKMAN AND THE RESPONDENT MANAGEMENT OF
M/S. S.J. KNITTING AND FINISHING MILLS PVT. LTD., 13/7, MATHURA ROAD,
FARIDABAD

Present :—

Shri B.M. Gupta, for the workman.

Shri R.C. Sharma, for the respondent management.

AWARD

This reference under section 10(1)(c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act, No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. 1D/FD/141 85/29683—88, dated 17th July, 1985 to adjudicate upon the dispute of service matter covered by second Schedule under Section 7 of the said Act, arisen between Shri Dharambir Singh, workman and the respondent management of M/s. S. J. Knitting Mathura Road, Faridabad, Accordingly, it has been registered as Reference No. 433 of 1985.

2. Shri Dharambir Singh was in the respondent's service and the same were terminated on 1st April, 1985. It appears that he was suspended on 10th September, 1982. His allegations are that no enquiry was held against him, and order of termination is un-justified and illegal. He has requested for reinstatement,—vide his demand notice dated 4th April, 1985.

3. This Dharambir Singh had expired on 11th June, 1986 and his widow Smt. Dulari has been brought on file as his legal representative.

4. On the other hand the contention of respondent is that he had not obeyed the order to report every day in the factory and as such his services are terminated. It has not been disputed that he had been under suspension since 10th September, 1982. It has also been conceded that no enquiry was held against him. By way of rejoinder Shri Gupta Representative of Dharambir Singh repeated his claim as well as allegations. On the pleadings of the parties my learned predecessor had framed the following issues on 30th October, 1985:—

(i) As per reference ?

5. In support of the plea, respondent has examined its time office incharge only. On the other hand there has been no evidence. I have heard the parties. My findings on the said issue has been as follows:

6. Issue No. 1.—Shri Dharambir Singh admittedly was in continuous service of the respondent as a Jigger man getting salary of Rs. 435 per month. He was placed under suspension on 10th September, 1982 and his services were terminated on 1st April, 1985. He had expired on 11th June, 1986. It has been conceded by the respondent that no enquiry was held against him. Now the simple question arises as to whether the respondent was justified in terminating his services simply on the ground that he had not come present during the period of suspension. It has been stated by time office incharge that charge-sheet Ex M-1, was served upon and he had not turned up, to mark presence since January, 1983 and he was reminded,—vide Ex M-2 to come present. It has been stated by him that services were terminated,—vide Ex. M-4. In the cross examination it has been stated by him at that has not brought the record to prove the absence. For want of record his statement cannot be believed. Management has totally failed to convince me about the reasons of terminating his services. I have gone through Ex-M-4 dated 28th February, 1983 the details of his accounts are not mentioned therein. No amount was sent to him by way of post or money orders. It is a clear case of violation of Section 25-F of the said Act. If such was the harsh attitude of the management then hardly any evidence is needed in rebuttal. A bad order was passed in this case which must be set aside. Obviously no enquiry was held against him and now it would be useless to re-open the matter since he has already died. In view of it the said order is revoked and deceased stands reinstated into his job with full back wages. The amount due be calculated up to the date of his death and is to be paid to his poor widow Shmt. Dulari. The reference is accordingly answered in favour of the deceased Dharambir Singh.

Dated 16th May, 1987.

A.S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 993 Dated 21st May, 1987

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of I.D. Act.

A.S. CHALIA,
Presiding Officer,
Labour Court, Faridabad.

No 9/3/87-6 Lab/3886.—In pursuance of the provision of Section 17 of the Industrial Disputes Act, 1947 (Central Act, No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the Workman and the management of M/s. Nibro Ltd., Delhi Road, Gurgaon.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 728 of 1985

between

SHRI OM PARKASH, WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S. NIBRO LTD., DELHI ROAD, GURGAON.

Present:—

Shri Murli Kumar, for the workman.
Shri M.P. Gupta, for the respondent.

AWARD

This reference under Section 10(1)(c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. ID/GGN/45839—44, dated 13th November, 1985 to adjudicate upon the dispute of service matter covered By Second Schedule under Section 7 of the said Act, arisen between Shri Om Parkash, workman and the respondent management of M/s. Nibro Ltd., Delhi Road, Gurgaon. Accordingly it has been registered as reference No. 728 of 1985.

2. Shri Om Parkash was appointed on 7th January, 1980 by the respondent as a carpenter. On 1st May, 1985 he was charge-sheeted and against him domestic enquiry was held as a result of which he was dismissed from service on 27th July, 1985. Feeling aggrieved of the same demand notice dated 5th August, 1985 was served upon the respondent. His allegations are that he was a active worker of the trade union and he has been made scape goat and thrown out of the job. According to him, he was not allowed to defend him. Since facility to engage a representative was denied to him and moreover enquiry officer was an interested person as he is a Administrative Officer of the respondent. It has been alleged that there has been no proper enquiry and as a matter of fact there was no evidence against him and as such impugned order be set aside and he reinstated into the job.

3. No notice, respondent has contested the case and filed written statement. Objection has been raised to the effect that reference is bad in law and management be allowed to lead further evidence in case enquiry is vitiated. The procedure adopted to hold an enquiry is being fully supported and order of dismissal is being owned in toto. By way of rejoinder workman has repeated his claim as well as allegations.

4. On the pleadings of the parties my learned predecessor had framed the following issues on 17th February, 1986 :—

(i) Whether enquiry is fair and proper ?

(ii) As per reference ?

5. On behalf of the respondent, Shri Wadera its Administrative Officer has been examined who was enquiry officer against this workman. Nand Kishore, Establishment Assistant has also been produced. On the other hand, Om Parkash also appeared and supported his claim. I have heard the parties as represented above. My finding issue-wise is as below :

6. *Issue No. 1.*—In this case, charge sheet dated 1st May, 1985 against the workman is Ex. M-5. Shri Wadera was appointed enquiry officer against him,—vide order Ex. M-2 dated 16th May, 1985. He had submitted his report Ex. M-4 dated 13th July, 1985 holding him guilty to the charges No. 1, 2, 3 and 5.

On that basis Show Cause Notice Ex. M-6 was issued to him and finally he was dismissed from service,—vide Ex. M-8. Shri Raghubir Singh has conceded to the effect that there has been fair and proper enquiry into the matter and as such he has nothing to say about the same.

7. *Issue No. 2.*—Shri Raghubir Singh, Rep. of the workman has requested to take lenient view against this workman since allegations against him were hardly of serious nature. I have gone through the same as mentioned in the chargesheet as well as enquiry report. The same are of minor nature and hardly amount to mis-conduct. In the present circumstances, of the case the management should have taken a lenient view and on the face of it, this approach appears to be excessive. Accordingly I hereby invoke Section 11-A of said Act and convert the order of dismissal into reinstatement without back wages. In my opinion it would be proper and reasonable approach as it would satisfy both the parties. The workman is hereby reinstated without back wages.

Dated the 4th May, 1987.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 1045, dated 26th May, 1987.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department Chandigarh as required under Section 15 of Industrial Disputes Act.

A. S. CHALIA,

Presiding Officer
Labour Court, Faridabad.